

IN THE UNITED STATES DISTRICT
Court
For THE DISTRICT of Delaware

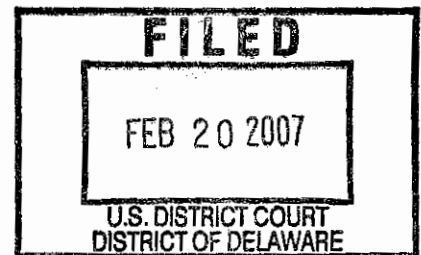
EMANUEL REDDEN,
Plaintiff

Civil Action

NO. 05-241-GMS

V.

Corrections Officer
DIEZ,
Defendant



Plaintiff's Response
to Defendant's Motion
for Summary Judgment

BD scanned

Sir, under penalty of law, I swear
that all statements made by me are
True.

Furthermore, Plaintiff states that
after reading Defendant's Affidavit
of LAURO DIEZ, Plaintiff finds that
the "Affidavit" is false and untrue.

I

Sir, Also I swear under penalty of law that The Attorney for said Defendant is intentionally trying to Confuse the Court by "mixing up" Plaintiff's desposition of January 17, 07 with legal jargon and intellectual Chess, which are not founded in the Truth.

Point 1.) Plaintiff was never up stairs to come down any stairs, for Plaintiff was always confined down stairs.

Point 2.) Defendant was the only officer on the tier making time punch.

Point 3.) The light over the card table was 'dim' not the light in the aisle where Defendant was.

Point 4.) Plaintiff's grievance was upheld by the Prison Chief Paul Howard, Prison Warden Carney and the prison grievance board members (see exhibits C. of Defendant's motion for summary judgment).

Point 5.) Attorney for Defendant has timely left out the "results" of the ordered investigation that was conducted by LT. Fisher (see exhibits C. pgs. 4 to 8).

Point 6.) The Court has Plaintiff's and Defendant's version of the incident, but not the investigative version of LT. (S) George R. Johnson and Lt. Fisher, hence it would be inappropriate for the Court to render a decision on the summary judgment without all the facts.

IV

Point 7.) Defendant is not as ignorant of Plaintiff as he would like the Court to believe, for the Defendant was present at all times when Plaintiff reported the assault to his superior officer Sgt. Biles, who's statement to the investigating officer is suspiciously absent throughout Defendant's Summary. Why???

Point 8.) Sir, Plaintiff would not dare seek to waste this honorable Court's time and/or his \$250.00 filing fee to file a frivolous lawsuit that did not have any merit!

Therefore, Plaintiff humbly request this honorable Court to deny Defendant's motion for summary Judgment.

Sir, Plaintiff swears under penalty of law that all facts stated herein and previously are true.

Sincerely,
Emanuel Redder

Plaintiff

IM Emanuel Redden
SB# 092507 UNITS HU
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Clerk of Court
U.S. District Court
844 N. King St. Lock
Wilmington, Del.
19801-3570

NO. 05-241-GMS

Dated: 2-16-07